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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,852	06/30/2000	Kiran A. Padwekar	042390.P5563	1971

7590

06/04/2004

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EXAMINER

LI, AIMEE J

ART UNIT

PAPER NUMBER

2183

DATE MAILED: 06/04/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/608,852

Applicant(s)

PADWEKAR, KIRAN A.

Examiner

Aimee J Li

Art Unit

2183

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 29 March 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

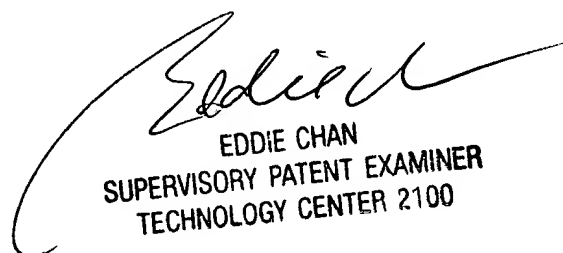
Claim(s) objected to: _____

Claim(s) rejected: 8,9 and 14-27.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues, in essence, on page 9 that "Claim 8 recites a combination of SBTB and ABTB to speculatively allocate a first branch in response to decoding of a conditional branch and with no branch entry in the ABTB, speculatively allocation a second branch if still failed to locate a branch entry in the ABTB, and allocating a third branch entry in the ABTB once the conditional branch has retired". This has not been found persuasive. Stiles has taught an ABTB and was not relied upon the teach "allocating a third branch entry in the ABTB for the conditional branch in the ABTB after retirement of the conditional branch". Stiles has taught in his Abstract; column 2, lines 21-61; and column 3, line 18 thru column 4, line 28 the ABTB and speculatively allocating a first branch in response to decoding and a second branch. Karp has taught allocating a second branch if "still failed to locate a branch entry in the ABTB" and "allocating a third branch entry in the ABTB for the conditional branch in the ABTB after retirement of the conditional branch" in his Abstract and column 2, lines 1-55. Karp has taught transferring data from a speculative buffer or cache to another buffer or cache when a instruction is committed, thereby eliminating contamination of bad data in the cache or buffer containing actual or architectural data (Stiles column 1, line 66 to column 2, line 55). A person of ordinary skill in the art would have recognized that committing an instruction is the same as retiring the instruction, because, in this case, committing the instruction occurs when the execution has completed. A system is certain that data contamination will not occur when the instruction is complete and ready to be committed or retired. Prior to the completion of an instruction, the data may be manipulated and changed, and, if the data were to be stored erroneously in the buffer or cache, it would contaminate the buffer or cache with bad data.


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